

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHANIE N. GLENN,

Plaintiff,

v.

CVS PHARMACY INC.,

Defendant.

Case No. 3:20-cv-3724-M-BT

ORDER

Pro se Plaintiff Stephanie N. Glenn filed this employment discrimination case (ECF No. 3) and a Motion for Leave to Proceed in forma pauperis (ECF No. 5) on December 28, 2020. The next day, the undersigned filed Findings, Conclusions, and Recommendation advising the Court to deny Glenn's Motion because she had failed to show that payment of the filing fee would cause her undue financial hardship given her financial situation. Mot. 2. Consequently, the undersigned also recommended the Court to dismiss Glenn's complaint without prejudice unless she paid the \$402.00 filing fee within thirty days of the recommendation.

Glenn subsequently paid the filing fee on January 11, 2021—within the thirty-day period of the undersigned's recommendation. Therefore, the Court DENIES Glenn's Motion to Proceed *in forma pauperis* (ECF No. 5) and VACATES the Findings, Conclusions, and Recommendation of the United States Magistrate

Judge (ECF No. 7). The Court now finds good cause to extend the time for service and grants Glenn until **April 11, 2021**, to serve Defendant CVS Pharmacy Inc. (“CVS”). If Plaintiff Glenn fails to timely serve CVS, the Court will recommend Glenn’s claims against them be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (providing for dismissal, with or without prejudice, for failure to prosecute and obey court orders); *Vafaiyan v. City of Wichita Falls*, 317 F. App’x 406, 408 (5th Cir. 2009) (per curiam) (affirming the district court did not abuse its discretion in dismissing plaintiff’s complaint pursuant to Fed. R. Civ. P. 4(m)). The Clerk of the Court is directed to send summons forms, a copy of Fed. R. Civ. P. 4, and a copy of Local Rule 4.1 to Glenn.

SO ORDERED.

January 13, 2021.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE